

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

GERARD SZUBIELSKI,

Plaintiff,

v.

DAVID PIERCE,

Defendant.

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CIVIL ACTION NO. 15-984-JLH

**VERDICT FORM**

Please answer the following questions on which all of you must unanimously agree:

1. Did Gerard Szubielski prove that his participation in the lawsuit against the Delaware Department of Correction as an exemplar was a substantial or motivating factor in David Pierce's decision to veto the reclassification of Mr. Szubielski to a lower security level?

YES X NO \_\_\_\_\_

**If your answer to question 1 is YES, proceed to question 2. If your answer to question 1 is NO, stop and go to the FINAL INSTRUCTION on the next page.**

2. Did Mr. Szubielski prove that Mr. Pierce's veto would be likely to deter an ordinary person in Mr. Szubielski's circumstances from exercising his First Amendment rights?

YES X NO \_\_\_\_\_

**If your answer to question 2 is YES, proceed to question 3. If your answer to question 2 is NO, stop and go to the FINAL INSTRUCTION below.**

3. Did Mr. Pierce prove that he would have made the same decision to veto the reclassification of Mr. Szubielski to a lower security level even if Mr. Szubielski's protected activity had played no role in Mr. Pierce's decision?

YES \_\_\_\_\_ NO X

**If your answer to question 3 is NO, proceed to question 4. If your answer to question 3 is YES, stop and go to the FINAL INSTRUCTION below.**

4. Did Mr. Pierce's veto, described in question 1 above, cause injury to Mr. Szubielski?

YES \_\_\_\_\_ NO X

**If your answer to question 4 is YES, proceed to question 5(A) and skip question 5(B). If your answer to question 4 is NO, skip question 5(A) and proceed to 5(B).**

5(A). Please state the amount that will fairly compensate Mr. Szubielski for any injury he actually sustained as a result of Mr. Pierce's conduct.

\$ \_\_\_\_\_  
(Fill in Dollar Figure)

5(B). Because we answered no to question 4, Mr. Szubielski is awarded nominal damages in the amount of \$1.00.

**FINAL INSTRUCTION**

When you have completed the necessary questions above, please sign and date below and let the Court Officer know you have reached a verdict.

So say we all this 12 day of November 2021.

